

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Meagher, Reg. No. 39,302 on 17, 20 and 25 August 2010.

Please amend the claims, filed 4/8/2010, as follows:

In claim 1, lines 15-16, change "switch includes a circuitry for controlling the plural optical switches" to "packet switch includes a circuitry for controlling the plural optical switches"

In claim 4, line 16 change "wherein the control device is operable to" to "wherein the control device ~~[[is]]~~ comprises a processor operable to"

In claim 11, lines 1-2, change "the control device comprises a processor constructed and arranged to construct a service matrix" to "~~the control device comprises a~~ the processor is further constructed and arranged to construct a service matrix".

Response to Arguments

2. Applicant's Arguments, see Applicant's Arguments and Remarks, filed 8 April 2010, with respect to claims 1-16 and 19-29 have been fully considered and are persuasive. The previous grounds of rejection have been withdrawn.

Art Unit: 2466

Allowable Subject Matter

3. Claims 1-16 and 19-29, renumbered as claims 1-6, 8, 7 and 9-27, respectively, are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Crutchfield whose telephone number is (571) 270-3989. The examiner can normally be reached on Monday through Friday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Crutchfield/
Examiner, Art Unit 2466
8/12/2010

Application/Control Number: 10/511,613

Page 4

Art Unit: 2466

/Daniel J. Ryman/

Supervisory Patent Examiner, Art Unit 2466